

**JON R. WILSON, CHARTERED
ATTORNEY AT LAW**
4614 W. Emerald
Boise, Idaho 83706
(208) 343-8400
Facsimile (208)424-5006
ATTORNEY FOR PETITIONER(S)

U. S. COURTS

NOV 6 - 2001

REC'D
CLERK S. BURKE
FILED
NOV 6 2001

U. S. COURTS

01 NOV -5 AM 8:39

REC'D
CLERK S. BURKE
CLERK
IDAHO

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

In Re:

JAMES C. PERRITTE and
STEPHANIE R. PERRITTE,
Fka HAYES, LEE,
Husband and Wife,
Debtors.

Case No. 01-1998

ORDER CONFIRMING CHAPTER
13 PLAN AS AMENDED
AND RELATED MOTIONS

IT HAVING BEEN DETERMINED AFTER NOTICE AND AN OPPORTUNITY FOR
HEARING THAT:

1. The Chapter 13 Plan as amended and Related Motions comply with the provisions of this chapter and with other applicable provisions of this title;
2. The Chapter 13 Plan as amended herein and Related Motions have been proposed in good faith and not by any means forbidden by law;
3. The value, as of the effective date of the Chapter 13 Plan and Related Motions, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under 11 USC Chapter 7 on such date;
4. With respect to each allowed secured claim provided for by the plan---
 - a. the holder of such claim has accepted the plan;

OR

b. the plan provides that (i) the holder of such claim retain the lien securing such claim; and (ii) the value, as of the effective date of the plan, for the property to be distributed under the plan on account of such claim is not less than the allowed secured value of such claim.

5. The Debtors will be able to make all payments under the plan, comply with the plan and said plan payments shall be due on or before the 2nd of August, 2001 and each month thereafter. Said plan payments shall be increased from \$525 to \$555 per month commencing with the first month of the plan and each month thereafter. The plan shall be increased from 36 months to 40 months.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

A. The Chapter 13 Plan and Related Motions plan is confirmed, incorporating the following modifications:

1. The Debtors shall make all payments under the plan, comply with the confirmed plan and said plan payments shall be due on or before the 2nd of each month commencing August, 2001. Plan payments shall be \$555 per month and the plan lengthened from 36 months to 40 months. Debtors' attorney's fees of \$500 shall be paid through the plan pursuant to a payment schedule established by the Trustee.

2. During the life of the confirmed plan, any federal or state tax refunds shall be turned over to the Trustee for distribution to creditors pursuant to the confirmed plan as modified herein. Said tax refunds, if any, shall not be applied to the Debtors' future tax year obligations while they are in this chapter 13 proceeding.

B. The value of collateral securing debts due holders of secured claims is fixed at the Allowed Secured Values as stated herein:

Creditor	Description of Collateral	Allowed Secured Value	Rate of Interest	Frequency Of Payments
Call Jewelers	Jewelry (ring)	\$700	9%	36 or fewer months*
GeCaf	Furniture	\$800	9%	36 or fewer months*
Ford Motor Credit Co	2000 Daewoo Leganza	\$11,000	9%	36 or fewer months*

*Payment schedule to be established by the Trustee.

C. Pursuant to the motion of debtors contained in debtors' plan and 11 USC §522 (F)(1)(A), the judicial liens of the following creditors are avoided.

Creditor	Description of Judgment of Lien	County & Instruments
NONE		

The Court finds that the lien sought to be avoided impairs an exemption to which the Debtors are entitled as a matter of law.

D. Pursuant to the motion of debtors contained in debtors' plan and 11 USC§522 (f)(1)(B), the non-possessory, non-purchase money security interests of the following creditors are avoided.

Creditor	Description of Exempt Property
None	

The Court finds that the lien sought to be avoided is a nonpossessory, not-purchase-money security interest in debtors' household furnishings and goods as described in 11 USC §522 (f) and that such lien impairs an exemption to which debtors would have been entitled as a matter of law.

E. Assumption Or Rejection Of Unexpired Lease Or Executory Contracts.
The Debtors assume or reject the following unexpired leases and/or executory contract in accordance with 11 USC § 365.

CREDITOR	DESCRIPTION OF LEASE	ASSUME OR REJECT
Bank of America	1999 Chevy 1500 Silverado Pickup Contract/Lease	Assume*

*This lease agreement expires in May, 2003. Before the Debtors obtain a different vehicle at the end of the lease period, seek to exercise their option to purchase the leased vehicle, and/or obtain another leased vehicle, the Debtors are required to consult with the Trustee and obtain written authorization from the Trustee for any such agreement and to obtain any new indebtedness.

F. The Debtors will surrender debtors' interest in the following collateral securing each allowed secured claim filed by the following creditors. After surrender of the collateral such creditors' deficiency, if any, after liquidation of the collateral, will be paid as an unsecured claim under the provisions for general unsecured creditors if said creditor amends its secured claim to an unsecured claim for such deficiency. Upon confirmation of this plan, the automatic stay shall be deemed terminated so as to allow said creditor to foreclose its lien and/or liquidate its collateral.


CREDITOR	COLLATERAL TO BE SURRENDERED
✓ American Music	Clarinet (surrendered 8/01)
✓ First North American Bank	CD Player (broken)#
✓ Key Bank of Idaho	1999 Kawasaki Jet Ski (James Perritte's ex-spouse has it)

#Creditor may contact debtors directly to make arrangements for return of the item it claims it holds a security interest in.

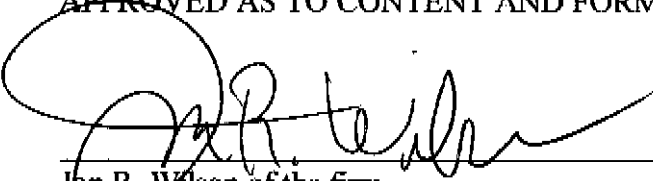
G. The Debtors are allowed to contribute to their 401K during the life of their Chapter 13 bankruptcy provided a like sum is provided in their plan payment for their unsecured creditors. As of September, 2001 the Debtors are contributing \$26.00 per month to a voluntary 401K and their plan is increased from \$525 to \$555.

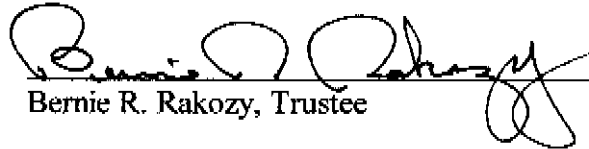
H. All other terms and conditions of the Debtors' plan shall remain the same except to the extent modified herein.

DATED this 6th day of November, 2001.


U.S. BANKRUPTCY JUDGE

APPROVED AS TO CONTENT AND FORM:


Jon R. Wilson of the firm
JON R. WILSON, CHARTERED
On behalf of Debtors


Bernie R. Rakoz, Trustee

Case: 01-01998 Form id: 122 Ntc Date: 11/06/2001 Off: 1 Page : 1
Total notices mailed: 3

Trustee Rakozy, Bernie R POB 1738, Boise, ID 83701
United States Trustee, POB 110, Boise, ID 83701
Aty Wilson, Jon R 4614 Emerald St, Boise, ID 83706

B. marks